

Chapter PW-CY 45

SHELTER CARE FACILITIES

PW-CY 45.01	Licensing shelter care facilities for children	PW-CY 45.04	Child care
PW-CY 45.02	Administration and management	PW-CY 45.05	Physical plant and environment
PW-CY 45.03	Personnel	PW-CY 45.06	Records and reporting

PW-CY 45.01 Licensing shelter care facilities for children. (1)
INTRODUCTION. (a) *Statement of intent.* The intent of these rules is to protect and promote the health, safety and welfare of children in shelter care facilities in Wisconsin.

(b) *Effect of rules.* The following rules for licensing shelter care facilities have the full effect and force of law as provided in s. 227.01 (9), Stats. These rules do not repeat the laws related to child care and licensing. Persons using these rules should be aware of and familiar with the law (s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977) pertinent to shelter care.

(c) *Exception to rules.* The department may make exceptions to any of the rules for licensing shelter care facilities when the department is assured that granting such exceptions is not detrimental to the health, safety and welfare of children in shelter care, except that exception may not be made to the following rules: PW-CY 45.02 (2) (b), PW-CY 45.04 (2), and PW-CY 45.04 (3).

(d) *To whom the rules apply.* These rules apply to all persons making application for a license to provide shelter care under s. 48.48 (9) (b), Stats.

(e) *Effective date of rules.* These rules shall be effective for all shelter care facilities for children 30 days after their publication in the Wisconsin Administration Register except that any facility providing shelter care at the time these rules are published which was licensed or approved as a Foster Home, Group Foster Home or Child Welfare Institution, pursuant to the rules for licensing or approving these facilities, may continue to provide shelter care under its existing license or approval for up to 12 months from the effective date of these rules.

(f) *Compliance with other rules.* Persons applying for licensure to operate a shelter care facility for more than 8 children must also comply with the rules promulgated by the department of industry, labor and human relations relating to standards for safety and sanitation in buildings.

(g) *Multiple licensing.* A facility licensed as a Foster Home, or Group Foster Home, by a county department of social services or the department may be licensed to concurrently provide shelter care as long as the applicant can show to the satisfaction of the department that the facility is capable of providing both types of care without lowering the level of services for any resident of the facility. Persons operating a facility with multiple licenses must designate particular beds within the living unit

for each type of service provided. Children received for one service may not be placed in beds designated for another service.

(h) *Definitions.* 1. Department. Department means the state of Wisconsin department of health and social services.

2. Licensing agency. The licensing agency is the department. It is responsible for evaluating the applicant, issuing a license if the applicant is qualified, and supervising the licensee to ensure continued compliance with the rules.

3. Licensee. The licensee is the person licensed by the department under s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977 and s. 48.48 (9) (b), Stats. The person primarily responsible for the operation of a facility shall be the licensee.

4. Shelter care. Shelter care is short term, non-secure care of children pending court action. Shelter care is an alternative placement for juveniles who otherwise might be placed in secure detention.

5. Shelter care facility. Shelter care facility is a single living unit in which shelter care is provided. Each shelter care facility is licensed individually, even though more than one may be operated by the same person. There are 3 types of shelter care facilities:

a. Family shelter care facilities which house from 1-4 children;

b. Small group shelter facilities which house 5-8 children; and

c. Large group shelter facilities which house 9-20 children. Any shelter care facility licensed or approved under the rules for licensing child welfare institutions to house more than 20 children at the time these rules go into effect may continue to house the number of children for which it has been approved including Milwaukee County Children's Home.

6. Child. A child is legally defined as an individual under 18 years of age. In these rules child refers both to children placed in shelter care as well as to any other children living in the facility unless specific reference is made to one or the other.

7. Person. A person is any individual, partnership, association, corporation or public agency other than the department.

8. Superintendent. A superintendent means that individual designated pursuant to s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977, by the juvenile court judge or in the case where 2 or more counties cooperate to provide shelter care, by a committee of juvenile court judges, to supervise the provision of shelter care within a county.

9. Unit supervisor. Unit supervisor is the individual in a shelter care facility who is primarily responsible for supervising the day to day activities of that facility.

10. Executive. Executive is that individual designated by the board of a corporation to be primarily responsible for the administration of all shelter care facilities operated by the corporation.

11. Privately operated shelter care facilities. Privately operated shelter care facility means facilities operated by private persons from whom a county board of supervisors purchases services pursuant to s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977.

12. Publicly operated shelter care facilities. Publicly operated shelter care facilities means facilities operated by a county board of supervisors pursuant to s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977.

13. Shift staffing. Means individuals are employed by the licensee to provide care on a rotating or shift basis in the shelter care facility.

14. Family care staffing. Family care staffing means that at least one individual providing day to day care and supervision of children in shelter care has the facility as a primary domicile. Individuals in this type of staffing arrangement may include:

a. Independent operators who regularly provide care in their primary domicile; or

b. Employees of the licensee who regularly provide care and supervision of children in shelter care in their primary domicile.

15. Shelter care worker. A shelter care worker is an individual who provides primary care and supervision of children in a shelter care facility on a regular, schedule, full- or part-time basis.

a. In family care staffing a shelter care worker is one whose primary domicile is the shelter care facility and any other person who also provides primary care and supervision of the children in care on a regular, schedule basis in a family care staffed facility.

b. In the shift staffing a shelter care worker is engaged on a regular, scheduled basis to provide primary care and supervision of children in care on each shift in the facility.

16. Relief help. Relief help is an individual scheduled as an assistant shelter care worker who is present in the shelter care facility, or an individual irregularly and infrequently used as a replacement for shelter care workers for brief periods of time. An individual regularly scheduled to replace a shelter care worker on days off or for other prolonged periods is not relief help but an additional shelter care worker.

17. Volunteer. A volunteer is any individual providing services to the shelter care facility who receives no monetary reimbursement for services. Payment for out-of-pocket expenses is not considered reimbursement for services.

(i) *Statutory rights of applicants and licensees.* 1. The right to make application for a license. (s. 48.68, Stats.)

2. The right to be evaluated objectively on the basis of written rules. (s. 48.68, Stats.)

3. The right to receive a license if applicant fully satisfies all requirements. (s. 48.68, Stats.)

4. The right to 30 days written notice and specification of grounds for revocation of license, and the opportunity to correct violations. (s. 48.72, Stats.)

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

Register, June, 1978, No. 270
Public Welfare

PW-CY 45.02 Administration and management. (1) **PUBLICLY OPERATED FACILITIES.** (a) *Application.* 1. The application to operate a public shelter care facility shall be made directly to the department on forms provided by the department and shall be signed by the chairperson of the county board of supervisors and countersigned by the judge of juvenile court. When 2 or more counties cooperate to provide shelter care, the application should be signed by the chairpersons of the county board of supervisors of each of the county's and countersigned by the juvenile court judges of each county which will use the facility.

2. Counties may apply to operate one or more family, small group or large group shelter care facility, but each facility shall be licensed separately.

3. If the applicant meets the requirements contained in these rules, a license shall be issued which specifies the location of the shelter care facility, the sex, age and number of children it may receive, and the expiration date and any other conditions placed on the facility.

4. Application for license renewal shall be submitted by the licensee at least 60 days prior to the expiration of the current license and 30 days prior to any change in the location of the facility.

5. A licensee shall provide with the first application and renewal any information specified by the department to demonstrate that the facility meets the requirements of these rules.

6. The application should also include the name and address of the superintendent of the shelter care for the county(s) served, and the name and address of the unit supervisor of the facility.

(b) *Insurance.* 1. Persons making application for a license to operate a public shelter care facility shall provide the department with information indicating the manner in which the facility will insure its liability risks and protect its assets.

2. The licensee will be responsible for obtaining protection for any liability which may result when children are being transported by the licensee or its agents.

(c) *Financial records.* The publicly operated shelter care facility shall upon request provide the department with financial records or statements relating to the financial operation of the facility.

(2) **PRIVATELY OPERATED SHELTER CARE FACILITIES.** (a) *Application.* 1. Persons applying for a license to operate a private shelter care facility shall do so on forms provided by the department. The application shall be signed by the individual or authorized representative of the corporation making application and counter-signed by the juvenile court judges of the county(s) in which the person intends to operate the facility.

2. Corporations may apply to operate one or more family, small group or large group shelter care facilities, but each facility shall be licensed separately.

3. Individuals may apply to operate only one family or small group shelter care facility.

4. If the applicant meets the requirements contained in the rules, a license shall be issued which specifies the location of the shelter care

facility, the sex, age and number of children it may receive, the expiration date and any other conditions placed on the facility.

5. A new application for license renewal shall be submitted by the licensee at least 60 days prior to expiration of the current license or 30 days prior to any change in the name of the licensee or location of the facility.

6. The following materials shall accompany the first application for a license.

a. Copies of the articles of incorporation, constitution and by-laws of a corporation applying for licensure.

b. Information as specified by the department to demonstrate that the facility meets the requirements of these rules.

c. The applicant shall provide evidence of the availability of funds to carry the shelter care facility through the first 6 months of operation. Such evidence is not limited to actual cash or credit but may be evidence of the intent of the juvenile court to use the shelter care facility to the extent that a minimum necessary population will be maintained.

7. The name, addresses and titles of the board members and the name of the executive of a corporation applying for a license, and the name and address of the superintendent(s) of shelter care for the county(s) served, and of the unit supervisor for the facility.

(b) *Written agreement.* Any person applying for a license to operate a private shelter care facility shall present with the application a written agreement between the person making application and the chairperson(s) of the county board(s) and the judge(s) of the juvenile court(s) of the county(s) in which service will be provided. The agreement must provide, in addition to any other condition established by the parties that:

1. The person operating the facility(s) will only accept into care those children referred by the juvenile court(s) of the county(s) served, or whose placement is approved by the court(s).

2. The person operating the facility(s) will act under the jurisdiction and supervision of the juvenile court(s) of the county(s) served, and will abide by any policies established by the court(s) which are not in conflict with these rules.

3. In addition, the agreement shall specify the financial and other responsibilities of each party.

(c) *Insurance.* 1. All licensees shall carry sufficient forms and amounts of available insurance to insure the liability risks of the facility in the provision of services and to give reasonable protection to its assets.

2. All licensees shall be responsible for providing liability insurance for all situations in which children are transported by the licensee or its agents.

(d) *Corporation operated shelter facilities.* 1. Incorporation. a. Any body of persons wishing to operate a corporation operated shelter care

facility or series of shelter care facilities shall be incorporated in accordance with the laws of the state of Wisconsin.

b. Any corporation which is incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

2. Board of directors. a. Each corporation shall be governed by a board of directors which is responsible for the operation of the corporation according to its defined purpose.

b. No member of this board shall be an employe of the corporation or the spouse of an employe, unless the corporation is a non-profit, non-stock corporation incorporated in Wisconsin for the sole purpose of operating *one* shelter care facility.

3. The board shall:

a. Establish written procedures for operation of the facility under the direction of the juvenile court judge and the superintendent of shelter care of the county in which the facility is located, or the committee of judges when 2 or more counties cooperated to provide shelter care.

b. Exercise trusteeship for property, investments, and protection from liability.

c. Approve the budget and be responsible for obtaining and disbursing funds.

d. Designate an executive and delegate to the executive responsibility for the administration of all shelter care facilities operated by the corporation.

e. Establish a plan for maintaining a continuing relationship with the community in which the facility is located for the purpose of promoting a better understanding and acceptance of the shelter care facility.

f. The board shall contain 2 seats for persons 17 years of age or younger who may vote on all issues relating to the care of children in shelter care.

4. Financial arrangements. a. The board with the executive shall be responsible for the secure and judicious use of funds for shelter care. Policies and practices shall be in accord with sound budgeting, disbursement and audit control procedures.

b. Each corporation shall have a sound written plan of financing to assure sufficient funds to enable it to carry out its defined purposes and to provide proper care.

c. The corporation shall maintain a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

d. Upon request, the corporation shall provide the department with a confidential balance sheet and financial records or financial statements.

5. Operation of multiple facilities. a. Corporations which apply for licenses to operate more than one facility shall provide in addition to the information required for licensing individual facilities, any information

specified by the department which demonstrates the ability of the corporation to operate multiple facilities.

b. The department may deny licensure for one or more facilities operated by a corporation or may sanction any one or more facilities, or, for cause, may sanction or deny licensure to the corporation as a whole.

(e) Individually operated facilities. An individual or individuals applying for a license to operate a private shelter care facility shall include with their application a proposed budget for the facility, indicating expected sources of income and projects costs.

(3) RESPONSIBILITY TO SUPERINTENDENT OF SHELTER CARE. (a) Each county with a shelter care facility shall have a superintendent.

(b) The unit supervisor of any private or public shelter care facility and the executive of any corporation operated shelter care facility shall be responsible to the superintendent of shelter care for implementing the policies established by the juvenile court judge(s) pursuant to s. 48.31, Stats., 1975, s. 48.22, Stats., as created by AB 874, 1977.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

PW-CY 45.03 Personnel. (1) **QUALIFICATIONS OF SHELTER CARE WORKERS AND RELIEF HELP.** (a) *Personal qualifications.* Shelter care workers and relief help shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good care for children.

(b) *Health.* 1. All shelter care workers, relief help, and any individuals residing in the facility shall be in physical and mental health that will not adversely affect the health of children or the quality and manner of their care.

2. If there is reason to believe that the physical or mental health of any shelter care worker, relief help, or any other individual residing in the facility might endanger children in care, the department may require that such individual authorize the submitting of a written statement for a licensed physician and, if required, a psychiatrist or clinical psychologist. The written statement shall certify the conditions of the individual and the possible effect on the facility's environment and children.

3. At the time of first application for license or employment and not less than every 2 years thereafter, shelter care workers shall receive a health examination covering the areas included on the department prescribed form.

(c) *Education and training.* 1. Shelter care workers shall either:

a. Have had one or more years of experience as foster parents, institutional houseparents, or other relevant child care experience, or

b. Have successfully completed not less than 24 hours of relevant training in accordance with plan formulated by the applicant or licensee and approved by the department, or

c. Agree to complete such training as specified in preceding subdiv. 1. b. within a period not to exceed one year from the time of initial licensure or employment.

2. Shelter care workers shall participate in ongoing in-service training of at least 15 hours a year in accordance with a plan formulated by the licensee and approved by the department.

(d) *First aid training.* 1. Each shelter care worker shall either:

a. Have successfully completed a course in first aid training acceptable to the department, or

b. Take the next such available local course in first aid.

2. Each shelter care worker shall update his or her knowledge about first aid by successfully completing a first aid course acceptable to the department at least once in each consecutive 3 year period.

(2) **VOLUNTEERS.** (a) If volunteers are used, the licensee shall assign an appropriate staff member to:

1. Develop a plan for screening and orientation and use of volunteers and

2. Supervise and evaluate volunteers.

(b) Volunteers who are in regular contact with children in shelter care more than 10 hours per week shall meet the health requirements for shelter care workers.

(3) **UNIT SUPERVISORS.** (a) In family and small group shelter care facilities the unit supervisor shall meet the requirements for shelter care workers.

(b) In large group shelter care facilities, the unit supervisor shall meet the requirements for shelter care workers, and in addition shall:

1. Have at least 3 years experience as a foster parent, institutional houseparent, or other relevant child care experience.

2. Have at least 2 years experience in an administrative or supervisory capacity.

3. During the first year as unit supervisor demonstrate the ability to satisfactorily manage the facility.

(4) **OTHER PERSONNEL.** In addition to shelter care workers, relief help, and volunteers, unit supervisors may employ other staff such as cooks, janitors, launderers, housekeepers, etc. as needed, to carry out daily housekeeping functions.

(5) **STAFF PATTERNS.** (a) *Family care staffing and shift staffing.* 1. The licensee shall not schedule relief help or volunteers to serve the purpose of replacing shelter care workers as the usual and primary providers of care and supervision of the children in the shelter care facility. In small and large group shelter care facilities, at the request of the department, the licensees shall make available scheduling and time records of all shelter care workers, relief help and volunteers.

2. There shall be at least 2 shelter care workers for each shelter care facility.

3. There shall be a written and workable plan for contacting another shelter care worker, relief help individual or other responsible adult

when emergencies occur at a time when only one shelter care worker or relief help individual is in the facility.

(b) *Family care staffing only.* 1. One of the shelter care workers shall not have responsibilities unrelated to the shelter care facility program in excess of 10 hours per week. The second shelter care worker may have responsibilities away from the shelter care facility for more than 10 hours per week, but shall be otherwise available and make constructive contributions to the facility program.

2. The number of children shelter care workers may receive for care plus the number of shelter care workers' own children who live in the household shall not exceed a combined total of 10.

(6) PERSONNEL POLICIES IN SMALL AND LARGE GROUP SHELTER CARE FACILITIES. (a) *Shelter care workers and relief help employed more than 10 hours per week.* 1. There shall be written statements of personnel practices and policies to be provided by the licensee to personnel employed as shelter care workers and relief help regularly employed for more than 10 hours per week. Statements of personnel practices and policies shall be made known to such employes at the time of employment and shall include but not to be limited to the following:

- a. Salary provisions (beginning salary, merit increases and amount).
 - b. Fringe benefits (vacation, holidays, sick leave, overtime, leaves of absence, retirement plan, insurance coverage).
 - c. Probationary period.
 - d. Staffing pattern.
 - e. Definition of duties.
 - f. Evaluation standards.
 - g. Additional employment and voluntary activities.
 - h. Living arrangements.
 - i. Chain of command.
 - j. Grievance procedures.
 - k. Termination procedures.
2. Employes shall be notified promptly of any changes in personnel practices.
3. A personnel file shall be maintained by the licensee on each such employe.
- a. Each personnel file shall contain:
 1. Name and address.
 2. Date of birth.
 3. A statement of the employe's qualifications (training experience, education).
 4. Reference reports.

5. Duties, terms of employment and immediate supervisor.
 6. Health record.
 7. Training records.
 8. Annual and termination evaluations.
- b. Reference reports shall include:
1. Character references from at least 2 people and any references from previous employers.
 2. Documentation of references either by letter or verifications in the record of verbal contact giving dates, individuals making contact and individuals contacted and the content.
- c. Any personnel file shall be made available upon request to the department and the employe named in the file.
- (b) *Relief help employed 10 or less hours per week and volunteers.* A record shall be maintained on all other relief help and volunteers and be made available upon request to the department. This record shall include:
1. Name and address.
 2. Age.
 3. Health record, as applicable.
 4. Dates and hours employed or volunteered.
 5. Training records.
- (c) A written job description for each employe shall be maintained.
- (d) A plan for program orientation of new employes shall be provided and implemented.

(7) **DISCRIMINATION.** The shelter care facility shall be in compliance with ss. 111.31 through 111.37, Stats., Title VI of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

PW-CY 45.04 Child care. (1) **ADMISSION TO SHELTER CARE.** Children shall not be received into shelter care unless they have been found eligible for placement by the juvenile court judge or intake worker designated by the judge.

(2) **AGE OF CHILDREN IN SHELTER CARE.** No child under 10 may be kept in a shelter care facility unless written approval is given by the department within 48 hours after admission excluding weekends and holidays. Children under age 10 shall not be kept in shelter care for more than 7 days per episode.

(3) **TIME LIMITS.** A shelter care facility shall keep children in residence no longer than 30 days per episode except:

(a) An extension for an additional 15 days may be made upon written approval of the superintendent of shelter care for the county in which the facility is located; and

Register, June, 1978, No. 270
Public Welfare

(b) A second extension of 15 more days may be made upon written approval from the department.

(c) The request for each extension must be made prior to the expiration of the prior approved time, and should include an explanation for the need of extended care.

(4) SUPERVISION OF CHILDREN IN SHELTER CARE. (a) The unit supervisor of each facility shall prepare a written plan for staff care coverage, taking into account the needs of the children to be admitted into shelter care, and demonstrating the methods by which adequate supervision will be insured.

(b) Children in shelter care shall not be left without supervision by a shelter care worker or by relief help.

(c) The care of children in shelter care shall not be combined with any other service or business conducted in the facility without the written approval of the department.

(d) When no children are in residence for shelter care, a shelter care worker must be on call and available to come immediately to the facility when a child is admitted into care. A facility shall be able to receive children into care 24 hours a day, 7 days a week.

(e) The ratio of child care staff to children in care shall be dependent on number and the needs of the children, but there shall be at least 2 child care staff members or persons properly substituting for them on duty in the facility at any time when there are 9 or more children present during waking hours, and 3 staff members present when 17 or more children are present during waking hours.

(f) During sleeping hours there shall always be one staff person within hearing or call of all children in care. When 9 or more children in care are present, 2 staff members must be on duty and make hourly observations of the areas in which children are sleeping.

(g) When children of both sexes are present in large group shelter care facilities, there shall be both male and female staff members on duty in the facility.

(5) DISCIPLINE. (a) Discipline shall be for the purpose of helping the child and shall be handled with kindness and understanding.

(b) No child in care shall be subjected to corporal, unusual, or severe punishment, or to punishment by deprivation of meals.

(c) Discipline shall be fair, reasonable, consistent and related to the behavior causing the discipline.

(d) Written facility rules shall be approved by the superintendent of shelter care. These shall be explained to children when they are admitted to the facility, and available to them during their stay.

(e) Physical holding shall be used only to protect the child from injury to self or others. Mechanical restraints shall not be used.

(f) Punishment shall be related to the child's misconduct. The other children in shelter care shall not be punished for the misconduct of an individual child.

(g) No child shall be locked within the facility as a whole or any part of it.

(h) Medicine shall not be used as a means of maintaining discipline.

(6) **CLOTHING.** Each facility shall ensure that children in care are adequately clothed during their stay. Children in shelter care may retain their own clothes.

(7) **EDUCATION.** The licensee shall make every reasonable effort to ensure that children in care regularly attend a school program unless otherwise excused by school officials.

(8) **WORK PERFORMED BY CHILDREN.** (a) Children in care shall have opportunities to assume responsibility for household duties or chores appropriate to their age, health and ability.

(b) No licensee shall use the labor of children in care as a substitute to the employment of a sufficient number of competent employees to operate and maintain the shelter facility.

(c) Household duties of children in care shall not interfere with their school, sleep or study.

(9) **RELIGION.** Shelter care workers shall make every reasonable effort to make opportunities available to each child in shelter care who wishes it for attendance at religious services compatible with the child's religious heritage or preference.

(10) **NUTRITION.** (a) Food shall be provided to children in sufficient quantities and varieties, and shall provide for essential nutritional and dietary needs.

(b) In planning menus, consideration shall be given, whenever possible, to the religious practices and the cultural patterns of the children in shelter care.

(c) In small and large group shelter care facilities, daily menus shall be kept on file and available to the department for at least 30 days thereafter.

(d) Supplementary food or modified diets as ordered by a physician shall be provided for those children who have special needs.

(11) **RECREATION AND LEISURE TIME ACTIVITIES.** The licensee shall provide recreational opportunities based on the age, abilities and interests of the children.

(12) **VISITING.** Shelter care workers shall encourage the maintenance of a relationship between children and their parents or relatives or other significant persons in accordance with a plan established by the unit supervisor and the child's legal custodian. Visitation with parents shall not be restricted as a form of discipline.

(13) **MEDICAL CARE.** (a) Each shelter care facility shall establish written procedures to be used to provide regular and emergency medical care to children in residence, including the name of a physician who is available to treat the children and the names and locations of nearby emergency medical services.

(b) Upon admitting a child into shelter care, the staff shall obtain from the child, law enforcement personnel, and if possible, the child's parents, information regarding the child's medical needs, including any chronic ailments, allergies or the need for a special diet.

(c) The licensee shall be responsible for providing or securing necessary medical treatment and dental care while the child is in care in the shelter care facility.

(14) **TRANSPORTATION.** The licensee shall make every reasonable effort to provide safe transportation of children in shelter care.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

PW-CY 45.05 Physical plant and environment. (1) **BUILDING SITE LOCATION.** In the judgment of the department, the location of the facility shall be related to the program offered and age, sex, needs and interest levels of the residents. Factors to be considered in determining the acceptability of the location shall include: access to educational, recreational, religious, shopping, and cultural opportunities; health resources; access to public or private utilities and services such as safe water supply, sewage disposal, fire and police protection.

(2) **GENERAL BUILDING REQUIREMENTS.** The shelter care facility and grounds shall be maintained in a clean, safe and sanitary condition and a good state of repair.

(3) **SPACE REQUIREMENTS.** (a) There shall be at least 200 square feet of living space for each resident of the facility. "Living space" excludes unfinished basements, attics, garages, or similar areas not usually occupied by residents in daily living.

(b) There shall be at least 55 square feet of floor space in a bedroom designed for only one child, 50 square feet of floor space for each child in a bedroom occupied by 2 children and 45 square feet of floor space for each child in a bedroom occupied by 3 or 4 children.

(4) **BEDROOMS.** (a) Regular sleeping provisions for children shall not be in any building, apartment, or other structure which is separate from the shelter care facility.

(b) Children shall not be permitted to sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for other than sleeping purposes.

(c) Children with handicaps limiting mobility shall not be permitted to sleep in finished basement rooms or in bedrooms above the second floor.

Note: "Handicaps limiting mobility" means any mental, developmental, or physical disability which restricts the child's mobility or ability to function without supervision.

(d) Children shall not be permitted to sleep in finished basement rooms unless provisions have been made for heating, ventilation and humidity control and there are 2 means of exit from the basement, at least one of which will open to the outside.

(e) Children shall not be permitted to sleep in bedrooms above the second floor of a one or 2 family dwelling unless provisions have been made for heating and ventilation and there are at least 2 means of exit to grade level.

(f) No child in shelter care shall be required to sleep in a bed with an adult.

(g) No child in shelter care shall be permitted to share a bedroom with a child of the opposite sex.

(h) No more than 4 children shall occupy any bedroom.

(i) Children of the shelter care workers shall not be displaced and permitted to occupy sleeping quarters not acceptable for shelter care children except as indicated in other sections of these rules.

(j) No child in shelter care shall be required to share a bedroom with a shelter care worker.

(k) During sleeping hours a shelter care worker or relief help shall be within call of the children.

(5) AREAS. (a) There shall be a quiet area in the home suitable for study, or simply being alone.

(b) Space shall be provided where children may receive and talk with visitors privately.

(6) DINING AREA. (a) In family and small group shelter facilities, dining facilities shall be such as to permit all members of the household to sit down to meals together.

(b) In large group shelter facilities dining facilities shall be provided with sufficient space and equipment to serve all the residents.

(7) BATHROOM. (a) The facility shall contain one complete bathroom including stool, washbowl, and tub or shower, for each 8 individuals residing there.

(b) Bathroom facilities shall be within the facility and within one floor of sleeping room occupied by children.

(c) In large group shelter facilities separate bathroom facilities shall be provided for both sexes if the facility is co-educational.

(8) INDOOR RECREATION AREA. Indoor recreation equipment and space appropriate to the age and interest levels of children shall be provided.

(9) FURNISHINGS. (a) The living area shall be adequately furnished and allow for free and informal use by the children.

(b) Each child in shelter care shall be provided with a separate bed except that siblings of the same sex may share a double bed.

(c) Each bed shall be of such size as to ensure comfort of the child, be in good condition, have a clean and comfortable mattress with waterproof covering when necessary, and be provided with a pillow, 2 sheets, bedspread and blankets adequate for the season.

(d) All sheets and pillow cases shall be changed at least once a week, more often if necessary and when the bed is occupied by a new resident.

(e) Triple decker bunks shall not be used.

(f) An adequate supply of clean wash cloths, and bath towels shall be available to each child.

(10) **KITCHEN.** (a) The kitchen shall be of adequate size and equipped with adequate household appliances and utensils to meet the needs of residents.

(b) Dishes, silverware, utensils and food shall be maintained and stored in clean and sanitary manner.

(11) **LAUNDRY.** (a) Private or public laundry facilities shall be available to meet the needs of all residents.

(b) Any laundry equipment in the facility shall be installed and vented in accordance with the manufacturer's recommendations.

(12) **STORAGE SPACE.** (a) The shelter care facilities shall have sufficient storage space to accommodate, within reason, each child's clothing and other belongings.

(b) All medicines shall be labeled and stored in a locked compartment designated for this use only except that medicines requiring refrigeration shall be properly stored and clearly labeled. All outdated medicines shall be destroyed.

(c) Provisions shall be made for the safe storage of potentially dangerous items.

(13) **TELEPHONE.** A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance. A telephone in a locked room or requiring payment to reach the operator shall not satisfy this requirement.

(14) **EMERGENCY EQUIPMENT.** Each shelter care facility shall have first aid supplies readily available.

(15) **HEATING.** (a) The shelter care facility shall provide a heating system which is capable of maintaining a temperature in living and sleeping quarters of at least 68° F.

(b) The heating unit shall be maintained in a safe condition as determined through an annual check by a qualified individual acceptable to the department.

(c) Portable electric or unvented space heaters shall not be permitted.

(16) **ELECTRIC SYSTEM.** Electrical systems and appliances shall be in good repair and properly protected.

(17) **SANITATION.** (a) All regularly opened windows and doors shall be properly screened.

(b) The water supply shall be of safe, sanitary quality and shall be obtained from a water supply system and location, construction and operation of which shall comply with the standards approved by the department of natural resources. When water is obtained from a private well, its safety shall be determined by annual testing by a certified laboratory.

(c) The shelter care facility shall be equipped with a water heater adequate to meet the needs of all residents.

(d) All spoiled and deteriorated food products shall be disposed of immediately. All garbage while in the home shall be kept in non-combustible, watertight containers. Garbage shall be removed from the living quarters at least daily, except for those facilities using a garbage compactor, which shall establish a regular schedule for the removal of garbage.

(18) LIGHT AND VENTILATION. (a) All habitable rooms shall be provided with adequate light and ventilation.

(b) All sleeping rooms occupied by children shall be rooms with an outside wall and an openable window.

(c) All bath and toilet rooms shall be provided with an openable window or exhaust ventilation.

(19) FIRE PREVENTION AND SAFETY. (a) Habitable rooms on the second floor shall be provided with access to 2 exits, at least one of which shall be a stairway exit.

Note: A window shall be considered an "exit" if it and its screen or storm window is openable from the inside without the use of tools, not less than 22 inches in the smallest dimension, at least 6 square feet in area and with a lower sill not more than 4 feet from the floor.

(b) Passageways leading to exits shall be clear and unobstructed. One exit door shall be at least 3 feet in width.

(c) All stairs serving 3 or more levels shall have a door at either the bottom or top of the stairs and the door shall be kept closed.

(d) Shelter care facilities shall have a sprinkler system or a smoke detection system listed by the underwriter's laboratory on each floor located near the vicinity of the stairs and installed and regularly tested according to the manufacturer's instruction.

(e) There shall be a written posted plan for emergency evacuation of the facility and at the time of placement each resident shall be instructed in the use of the plan. Evacuation procedures shall include provisions for handling residents with limited mobility and shall be reviewed with the staff every 2 months. Large group shelter facilities shall conduct fire drills at least every 2 months.

(f) A charged fire extinguisher acceptable to the local fire department shall be provided in the kitchen and on each floor of the facility. Staff shall be instructed in its use.

(g) Smoking in bedrooms shall not be permitted.

(h) The licensee shall demonstrate that the facility has passed an annual fire safety inspection acceptable to the licensing agency.

Note: The licensing agency is the department of health and social services.

(i) All interior doors shall be openable from both sides in case of emergency.

(j) All exterior doors shall be openable from the inside at all times without the use of a key.

(20) SAFETY MEASURES. (a) Tubs and showers shall have safety strips applied or other provisions shall be made to prevent slipping.

(b) Stairways, halls and aisles shall be maintained in good repair, adequately lighted and free from obstacles.

(c) Each stairway shall be provided with a handrail and steps shall have a non-slip surface.

(d) Each facility shall have a written plan on file which specifies action and procedures for meeting emergency situations including serious illness, severe weather and missing children.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

PW-CY 45.06 Records and reporting. (1) RECORDS ON CHILDREN IN SHELTER CARE. During the time a child is in care the licensee shall maintain a record on forms provided by the department. Such records shall contain the following information and they shall be kept current and in the shelter care facility:

- (a) Child's name, alias, and sex.
- (b) Child's birth date.
- (c) Name of person or agency to be notified in an emergency.
- (d) Placement date.
- (e) Person, agency, or legal custodian responsible for the child.
- (f) Alleged offense.
- (g) Name of physician to be called in an emergency.
- (h) Current medical information about the child while in care including allergies and special care requirements.
- (i) Name and address of parent or guardian.
- (j) Immediate previous living arrangement.
- (k) Name of school and current grade.
- (l) Date of release and destination.

(2) CONFIDENTIALITY. Shelter care facility staff and volunteers shall maintain in a locked file and in confidence all information and records on children. Children shall have the right to examine their own records.

(3) DEPARTMENT ACCESS TO RECORDS. (a) At the request of the department, shelter care workers shall make available for inspection all records on children received by them.

(b) Records shall be held only until the child's 21st birthday and then destroyed, except that a permanent register shall be kept listing the names of the children received for care and the dates of their admission and release.

(4) RESPONSIBILITY TO THE DEPARTMENT AND THE SUPERINTENDENT. (a) The licensee shall report to the department and the superintendent of shelter care as soon as possible:

1. The death of any child in care or any serious illness or injury suffered by a child.

2. Any fire on the premises which required the services of the fire department.
3. Any intention to terminate the shelter care facility. Notification shall be at least 30 days in advance of the termination.
4. Any change in the name of the unit supervisor of any shelter care facility, or a change in the name of the executive, or chairman of the board, or any change in the corporate structure of a corporation operating a shelter care facility.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.